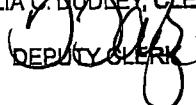


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

OCT 13 2016

JULIA C. DUDEY, CLERK  
BY:   
DEPUTY CLERK

ANTHONY MEYERS,  
Plaintiff,

Civil Action No. 7:16-cv-00360

v.

DR. MILLS,  
Defendant(s).

MEMORANDUM OPINION

By: Glen E. Conrad  
Chief United States District Judge

Anthony Meyers, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983, while incarcerated. By order entered July 29, 2016, the court advised plaintiff that a failure to update a mailing address will result in dismissal of this action.

The court's mailing dated September 16, 2016, to plaintiff at the address he provided with his complaint has been returned as undeliverable. A handwritten message on the envelope indicates: "Refused – Sgt. P. Flanery." Based on this returned mailing, the court finds that Meyers has either refused to accept his mail or has failed to provide the court with a current address. Therefore, this case shall be DISMISSED without prejudice. See Ballard v. Carlson, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal without prejudice is an appropriate sanction for non-compliance); Donnelly v. Johns-Manville Sales Corp., 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTER: This 13<sup>th</sup> day of October, 2016.

  
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Chief United States District Judge